

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

CYNTHIA NIXON; LIANA WHEELER;
ANGELA FLANAGAN-MOSLEY; and
IMOGENE MARTIN

PLAINTIFFS

vs.

CASE NO.: 3:16-cv-20-MPM-JMV

ON-CALL STAFFING, INC. and
E.L. GARNER, III, Individually

DEFENDANTS

STIPULATION FOR DISMISSAL WITH PREJUDICE

Plaintiffs CYNTHIA NIXON, LIANA WHEELER, ANGELA FLANAGAN-MOSLEY and IMOGENE MARTIN, and Defendants On-Call Staffing, Inc. and E.L. Garner, III, Individually hereby stipulate by and through their respective counsel, as follows:

WHEREAS, Plaintiffs filed the above action on January 25, 2016. Plaintiffs alleged Defendants misclassified their nurses as independent contractors and refused to pay them proper wages under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §201, *et seq.*

WHEREAS, Defendant On-Call Staffing, Inc. filed a voluntary petition for Chapter 11 Bankruptcy in the U.S. Bankruptcy Court for the Northern District of Mississippi on October 28, 2016 styled *In re: On-Call Staffing, Inc.*, Bkcy. Case No. 16-13823-JDW, (N.D. Miss.). This case was automatically stayed as to Defendant, On-Call Staffing, Inc. pursuant to 11 U.S.C. §362(a)(1). Each eligible member of the collective class, including the plaintiffs in this matter, filed proofs of claims in the bankruptcy court.

WHEREAS, the parties reached a tentative settlement to resolve the claims of all eligible Plaintiffs in this case. The parties filed a Joint Motion to Approve Compromise and Settlement with the United States Bankruptcy Court for the Northern District of Mississippi on July 19, 2017 requesting that the bankruptcy court approve the settlement. (*In re: On-Call Staffing, Inc.*, Bkcy Case No. 16-13823-JDW, ECF No. 822.)

WHEREAS, this Honorable Court granted a stay on all proceedings in this matter on February 27, 2017. (ECF No. 44.)

WHEREAS, the United States Bankruptcy Court for the Northern District of Mississippi granted parties' Joint Motion to Approve Compromise and Settlement on August 24, 2017. (*In re: On-Call Staffing, Inc.*, Bkcy Case No. 16-13823-JDW, ECF No. 842.)

WHEREAS, the United States Bankruptcy Court for the Northern District of Mississippi issued an Order Confirming the Plan of Reorganization on November 8, 2017. (ECF No. 882.)

WHEREAS, it is hereby stipulated and agreed, by and between the parties that the Court hereby dismisses the case with prejudice. The parties' Settlement Agreement shall be given full force and effect, all payments due there under shall be made and administered in accordance with the terms.

Dated: January 30, 2019.

/s/ Christopher W. Espy

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CERTIFICATE OF SERVICE

I, Christopher W. Espy, do hereby certify that a true and correct copy of the foregoing has been served via E-Mail to the following:

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ATTORNEYS FOR DEFENDANTS

SO CERTIFIED, this 30th day of January, 2019.

/s/ Christopher W. Espy
CHRISTOPHER W. ESPY